

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71731 of 2022

Arising Out of PS. Case No.-317 Year-2020 Thana- CHAUTHAM District- Khagaria

Kundan Kumar Yadav @ Kundan Yadav Son Of Murlidhar Yadav Resident
Of Village- Purvi Thatha, Ward No.- 6, P.S.- Mansi, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 03-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
05.01.2022 in connection with Chautham P.S. Case No. 317 of
2020, F.I.R. dated 20.11.2020 for the offences punishable under
Sections 147, 148, 149, 341, 323, 307, 379 of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, as per written report of
the informant allegation against the petitioner is that he has fired
upon the Nitin Patel and also assaulted with iron rod to the Nitin
Patel.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the allegation as alleged in



the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. He further submits that F.I.R. is in two parts, in first part there is general and omnibus allegation against all the accused persons including the petitioner and in second part there is specific allegation against the petitioner that he has fired upon the Nitin Patel and also assaulted with iron rod to the Nitin Patel. He further submits that the allegation as alleged in the F.I.R. is not supported by the medical evidence and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 05.01.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries eight criminal antecedents other than the present one and out of eight cases petitioner is on bail in seven cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Assistant Sessions Judge, 1st, Khagaria in connection with Chautham P.S. Case No. 317 of 2020, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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